

Message

---

**From:** Nishida, Jane [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=65E465E683C54E1B825F1BAD32DCB099-NISHIDA, JANE]  
**Sent:** 3/31/2020 7:33:55 PM  
**To:** Walker Smith (Smith.Walker@epa.gov) [Smith.Walker@epa.gov]; Muehling, Brian [Muehling.Brian@epa.gov]  
**CC:** Lisa Almodovar (Almodovar.Lisa@epa.gov) [Almodovar.Lisa@epa.gov]; Zimmer, Nathaniel [zimmer.nathaniel@epa.gov]  
**Subject:** FW: USMCA

Walker/Brian,

Thanks again for sending background materials on the pesticides and Tijuana issues for the USMCA gap analysis. As I mentioned in our call this morning, I summarized this information and sent the following write up to Chad. I think he is going to send this information to Jennifer in USTR, but was not copied so don't know if this was done.

Jane

-----Original Message-----

**From:** Nishida, Jane  
**Sent:** Monday, March 30, 2020 5:46 PM  
**To:** McIntosh, Chad <mcintosh.chad@epa.gov>  
**Subject:** RE: USMCA

Chad,

Per your request, here are the short write ups on the Tijuana wastewater and pesticides regulation issues to be considered in the USMCA environmental assessment gaps analysis:

**Tijuana Wastewater:**

The U.S. and Mexico have made substantial investments in sewage collection and treatment infrastructure on both sides of the Border. While these investments have reduced transboundary flows, aging infrastructure in Mexico is prone to leakage and failure, and the operation and maintenance of these systems is sometimes inadequate. In particular, large scale wastewater collection system failures in Tijuana have resulted in lengthy periods in which large volumes of highly polluted treated and untreated sewage flowing into the U.S.. This has caused frequent closures of US beaches in the San Diego region, from Imperial Beach to Coronado; health risks to the public and Customs and Border Patrol agents; and disruption of activities of the U.S. Navy.

Federal, state and local agencies in the U.S. and Mexico have been discussing options for major new investments in collection and treatment infrastructure to address these ongoing problems. The USMCA implementing legislation establishes an infrastructure planning and investment process and provides substantial funding to support these investments, but one of the main challenges will be to ensure the effectiveness of Mexico to operate, maintain and monitor these systems.

**Chemical/Pesticide Regulation:**

Mexico's repeated rejections of chemical/pesticide import permit applications from U.S. manufacturers are a significant and growing problem for both EPA and U.S. industry. The export of products such as glyphosate (active ingredient in Roundup) and other active ingredients have been stopped at the U.S.-Mexico border, despite having the appropriate permits. Mexico's Ministry of Environment (SEMARNAT) has stated the rejection of these imports is due to the high environmental risks to human health and the environment posed by such products and active ingredients. However, domestic regulations are either inconsistent with such statements or have not gone through a transparent domestic process with the appropriate notification to the World Trade Organization (WTO).

In addition, there is a lack of transparency regarding Mexico's implementation of multilateral environmental agreements to which it is a Party. Mexico does not seem to have the domestic regulations in place to implement, or consistently implement, those obligations. For example, Mexico's obligations under the Rotterdam Convention have been used as a reason to block chemical/pesticide imports from the U.S., yet the underlying domestic regulations do not appear to have been executed transparently or adequately. There are also multiple amendments to the Stockholm Convention that Mexico has ratified, but for which there are no apparent underlying domestic prohibitions.

-----Original Message-----

**From:** McIntosh, Chad <mcintosh.chad@epa.gov>  
**Sent:** Thursday, March 26, 2020 5:06 PM  
**To:** Nishida, Jane <Nishida.Jane@epa.gov>

Subject: USMCA

Will need a short write up for me to send to USTR covering TJR and Pesticides.

Thanks Chad

W.C. McIntosh  
Assistant Administrator  
International and Tribal Affairs  
United States Environmental Protection Agency  
202-564-6600